

SENATE BILL 402

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3lr2072
CF HB 402

By: **Senator Hershey**

Introduced and read first time: February 1, 2023

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 5, 2023

CHAPTER _____

1 AN ACT concerning

2 **Kent County – Board of Education – Student Member**

3 FOR the purpose of altering the membership of the Kent County Board of Education to
4 include a student member; providing for the initial term of the student member of
5 the county board; and generally relating to the membership of the Kent County
6 Board of Education.

7 BY repealing and reenacting, with amendments,

8 Article – Education

9 Section 3–801 through 3–803

10 Annotated Code of Maryland

11 (2022 Replacement Volume)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That the Laws of Maryland read as follows:

14 **Article – Education**

15 3–801.

16 (a) The Kent County Board consists of **[five]:**

17 **(1) FIVE VOTING members; AND**

18 **(2) ONE NONVOTING STUDENT MEMBER.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (b) (1) A candidate elected to the county board shall be a resident and
2 registered voter of Kent County.

3 (2) Any member who no longer resides in Kent County may not continue
4 as a member of the board.

5 (c) (1) The incumbent **VOTING** members of the Kent County Board who hold
6 office on July 1, 2010, shall hold office until their successors are elected and qualify.

7 (2) **[Members] VOTING MEMBERS** of the Kent County Board shall be
8 elected from Kent County at large as follows:

9 (i) Two **VOTING** members of the county board shall be elected in the
10 November general election of 2012 and every 4 years thereafter; and

11 (ii) Three **VOTING** members of the county board shall be elected in
12 the November general election of 2014 and every 4 years thereafter.

13 **(D) (1) THE STUDENT MEMBER SHALL:**

14 **(I) BE A BONA FIDE RESIDENT OF KENT COUNTY;**

15 **(II) BE A REGULARLY ENROLLED JUNIOR OR SENIOR AT THE**
16 **KENT COUNTY PUBLIC HIGH SCHOOL ELECTED BY THE HIGH SCHOOL STUDENTS OF**
17 **THE COUNTY IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION;**

18 **(III) BE A MEMBER OF STUDENT GOVERNMENT ~~ASSOCIATION~~**
19 **~~REPRESENTATIVE;~~**

20 **(IV) SERVE FOR 1 YEAR BEGINNING ON JULY 1 AFTER THE**
21 **ELECTION OF THE STUDENT MEMBER; AND**

22 **(V) ADVISE THE COUNTY BOARD ON THE THOUGHTS AND**
23 **FEELINGS OF STUDENTS IN THE KENT COUNTY PUBLIC SCHOOLS.**

24 **(2) (I) THE PROCESS FOR APPLYING AND ELECTING A STUDENT AS**
25 **A STUDENT MEMBER SHALL BE AS SET FORTH IN THIS PARAGRAPH.**

26 **(II) 1. AN ELIGIBLE STUDENT SHALL SUBMIT AN**
27 **APPLICATION TO THE COUNTY BOARD ON A FORM PROVIDED BY THE COUNTY BOARD**
28 **BEGINNING ON JANUARY 1 OF EACH YEAR.**

29 **2. EACH APPLICANT SHALL DELIVER A SPEECH TO THE**
30 **STUDENT BODY OF KENT COUNTY HIGH SCHOOL.**

1 (III) 1. ANY HIGH SCHOOL STUDENT IN THE COUNTY MAY
2 VOTE DIRECTLY FOR THE STUDENT MEMBER CANDIDATES IN AN ELECTION HELD
3 BEFORE MAY 1 EACH YEAR.

4 2. THE STUDENT MEMBER CANDIDATE THAT RECEIVES
5 THE HIGHEST NUMBER OF VOTES SHALL BECOME THE STUDENT MEMBER.

6 (IV) NOTICE OF THE RESULTS OF THE ELECTION FOR STUDENT
7 MEMBER SHALL BE REPORTED TO THE COUNTY SUPERINTENDENT ON OR BEFORE
8 MAY 1 EACH YEAR.

9 (3) IF THE STUDENT MEMBER IS UNABLE, INELIGIBLE, OR
10 DISQUALIFIED TO COMPLETE THE STUDENT MEMBER'S TERM OF THE OFFICE, THE
11 COUNTY BOARD SHALL APPOINT A QUALIFIED STUDENT TO SERVE FOR THE
12 REMAINDER OF THE TERM.

13 (4) THE STUDENT MEMBER SHALL ATTEND:

14 (I) ~~THE MAY AND JUNE MEETINGS OF THE COUNTY BOARD~~
15 ~~BEFORE BEGINNING THE STUDENT MEMBER'S TERM OF OFFICE ON JULY 1;~~

16 ~~(H)~~ THE MARYLAND ASSOCIATION OF BOARDS OF EDUCATION
17 NEW STUDENT BOARD MEMBER ORIENTATION; AND

18 ~~(HH)~~ (II) ALL REGULAR MEETINGS OF THE COUNTY BOARD.

19 (5) ~~UNLESS INVITED TO ATTEND BY AN AFFIRMATIVE VOTE OF A~~
20 ~~MAJORITY OF THE COUNTY BOARD, THE~~ THE STUDENT MEMBER MAY NOT ATTEND
21 AN EXECUTIVE SESSION OF THE COUNTY BOARD.

22 [(d)] (E) (1) (I) Each VOTING member serves for a term of 4 years
23 beginning on January 1 after his election and until a successor is elected and qualifies.

24 (II) The terms of members are staggered and elections shall be held
25 as provided in subsection (c) of this section.

26 (2) Any vacancy on the county board OF A VOTING MEMBER shall be filled
27 by a qualified individual appointed by the County Commissioners of Kent County to serve
28 until a successor is elected and qualifies at the general election next following the creation
29 of the vacancy and for which the deadline for the filing of candidates has not expired.

30 (3) An individual may serve for more than 2 consecutive terms.

31 [(e)] (F) (1) The State Board may remove a member of the county board for:

- 1 (i) Immorality;
- 2 (ii) Misconduct in office;
- 3 (iii) Incompetency; or
- 4 (iv) Willful neglect of duty.

5 (2) Before removing a member, the State Board shall send the member a
6 copy of the charges against him and give him an opportunity within 10 days to request a
7 hearing.

8 (3) If the member requests a hearing within the 10-day period:

9 (i) The State Board promptly shall hold a hearing, but a hearing
10 may not be set within 10 days after the State Board sends the member a notice of the
11 hearing; and

12 (ii) The member shall have an opportunity to be heard publicly
13 before the State Board in his own defense, in person or by counsel.

14 (4) A member removed under this subsection has the right to a de novo
15 review of the removal by the Circuit Court for Kent County.

16 3-802.

17 At its first meeting at the beginning of each year, the county board shall elect a
18 president and a vice president from among its **VOTING** members.

19 3-803.

20 (a) The chairman of the county board is entitled to receive \$2,400 annually as
21 compensation and the other **VOTING** members are entitled to receive \$2,000 each annually
22 as compensation.

23 (b) The chairman and the other **VOTING** members are entitled to the allowances
24 for travel and other expenses provided in the Kent County budget.

25 SECTION 2. AND BE IT FURTHER ENACTED, That the term of the initial student
26 member of the Kent County Board of Education elected in accordance with § 3-801 of the
27 Education Article as enacted by Section 1 of this Act shall begin on July 1, 2024.

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
29 1, 2023.